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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,229	06/18/1999	STEVEN R. WILLIS	AGM-005	7390

959 7590 09/20/2002

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

EXAMINER

DO, NHAT Q

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

15

Office Action Summary

Application No.

09/336,229

Applicant(s)

WILLIS, STEVEN R.

Examiner

Nhat Do

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant is requested to provide Serial Numbers of the pending Applications cited on page 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3, 6, 7, 11, 14, 15, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,115,373 to Lea. Lea discloses a device comprising an IP packet forwarding facility for forwarding packets in the input data toward their destination, and an ATM cell switch facility for switching ATM cells in the input data toward their destination (Col. 3, line 37-48).
4. Regarding to claims 3, 19, and 20 Lea discloses that a portion of the facilities is put inside a chip (Col. 3, line 49, 52).

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5. Regarding to claims 6, and 7, Lea discloses output ports 3 (Fig. 1), and ATM cell and IP packet lookup for identifying their output ports (Fig. 4).

6. Regarding to claims 14, and 15, Lea further discloses in figure 9 that switches can be interconnected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea.

9. Regarding to claim 2, Lea fails to disclose a housing for that houses the facilities.

However, for packeting or protecting purposes, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to add a housing for the two facilities taught by Lea.

10. Regarding to claims 15, and 18, Lea fails to disclose multiplexers before input and output ports. However, it is well known in the art that IP is a connectionless type transmission. In the other words, data came to the destination in different path. Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to add multiplexers at the input port and output port on the device taught by Lea to rout data to the proper destination.

11. Claims 5, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea, in the view of the U.S. Patent No. 6,075,788 to Vogel. Lea fails to disclose that the input data

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contains synchronous optical network frames and a deframer for deframing the SONET frames in the input data. Vogel discloses a communication device 30 with deframer 46 for deframing SONET frames from input/output port 38 (Fig. 3). It would have been obvious to a person having ordinary skill in the art by the time the invention was made to add the device taught by Vogel in front of the device taught by Lea so that it can process SONET data frames.

12. Claims 4, 8, 9, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea in the view of Vogel and further in the view of the U.S. Patent No. 6,418,145 to Isoyama et al..

13. Regarding to claim 4, Vogel fails to disclose the input port 38 can receive both ATM cells and IP packets. Isoyama et al. disclose a device for framing and deframing IP packet in ATM cell (Fig. 5). A person having ordinary skill in the communications field knows that transmitting IP over ATM is well known and widely used. Therefore, the device for more flexible, it would have been obvious for a person having ordinary skill in the art by the time the invention was made to add the device for framing and deframing IP packet in ATM cell to the framer 46 taught by Vogel so that the device can process both ATM cell and IP packet. Then, the input port 38 is a common port for receiving both ATM cell and IP packet.

14. Regarding to claims 8, 9, and 10, Vogel discloses a director 40 for controlling the process of input data, an input and output port 38 (Fig. 3). Vogel fails to disclose plurality of input and output ports. However, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to duplicate the line interface 48 and the framer 46 in order to improve the capacity of the device. Furthermore, it is well known in the art that ATM cell is processed in layer 2 and IP packet is processed in layer 3.

15. Regarding to claim 17, Vogel fails to disclose explicitly that the received data is an OC-48 data stream. It would have been obvious to a person having ordinary skill in the art by the time the invention was made to configure the device 30 taught by Vogel to receive any kind of OC data, including OC-48 data stream, because the difference is just the bit rate transmitted.

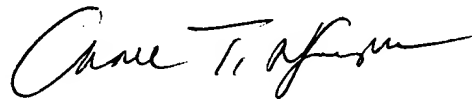
Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ND



September 17, 2002

CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600